The Religion that changed the Women's Way of Living

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(A Multi-Religion Analysis)

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10
Laws of Inheritance for Women

Unto men (of the family) belongs a share of that which Parents and near kindred leave, and unto women a share of that which parents and near kindred leave, whether it be a little or much – a determinate share." (4:7)

[The first religion on earth to provide this benefit to women at par with men in terms of the verses in the Quran. LEGAL HEIR RIGHTS OF PROPERTY TO WOMEN SIMILAR TO THAT OF MEN IS IN THE ONLY ONE RELIGION ON THE EARTH, WHICH I ASSERT ONCE AGAIN NOT A SINGLE RELIGION UPON THE EARTH EXCEPT ISLAM provides this RIGHTS to women] etc

"Unto the men of a family belonging a share of that which parents and near kindred leave, and unto the women a share of that which parents and near kindred leave, whether it be little or much – a legal share." **[4:7,] DETAILED IN VERSE [4:11-14] AS BELOW:**

"For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much - an obligatory share.} [Qur'an 4:7]

Allah instructs you concerning your children: for the male, it is equal to the share of two females. But if there

are [only] daughters, two or more, for them is two-thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [or sisters], for his mother is a sixth, after any bequest he [may have] made or debt.

Your parents or your children - you know not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is Ever Knowing and Wise. And for you is half of what your wives leave if they have no child. But if they have a child, for you are one-fourth of what they leave, after any bequest they [may have] made or debt. And for the wives is one-fourth if you leave no child. But if you leave a child, then for them is an eighth of what you leave, after any bequest you [may have] made or debt. And if a man or woman leaves neither ascendants nor descendants but has a brother or a sister, then for each one of them is a sixth. But if they are more than two, they share a third, after any bequest which was made or debt, as long as there is no detriment [caused]. [This is] an ordinance from Allah, and Allah is Knowing and Forbearing. These are the limits of Allah. And whoever obeys Allah and His Messenger—He enters him into Gardens beneath which rivers flow, abiding therein, and that is a great triumph. But those who disobey God and His Messenger and overstep His limits will be consigned by God to the Fire, and there they will stay- a humiliating torment awaits them! [Quran 4:11-14]

[The verse in Quran that directs men and women will share in the property in the same way as men. I have not

come to a single verse in any other religious scripture where sharing of property and inheritance is defined like this so elaborately to be honest indicating that women are at par now with men in the matter of inheritance. Properties of a deceased must be compulsorily distributed among the legal heirs without any differences between male & female]

The procedure of distribution is elaborately defined in verses 4:08-14, The honesty in sharing property has been given so much importance that manipulation and cheating in this regard have been threatened by Allah in these words, "These are the limits set by Allah. Anyone who obeys Allah and His Messenger will be admitted to Gardens through which rivers flow, to live therein forever. That will be the supreme achievement. But whoever disobeys Allah and His Messenger and exceeds their limits will be cast into Hell, and stay therein forever. And they will suffer a humiliating punishment" (4:13-14)

For men is a share of what they have earned, and for women is a share of what they have earned (4:32)

And for everyone, We have made heirs in what the parents and the nearest relatives have left. And as for those with whom you have pledged, give them their shares. Surely, Allah is a witness over everything (4:33)

[In verse 4.32, Allah is very clear that there is nothing like 'husbands are holy' or 'like angels' or 'have some male/man type of thing' etc. Women will get a reward for their deeds that may increase in comparison to men according to their deeds].

[In verse 4:33, It is already known that sharing of property to both men and women is applicable. But here Allah says "for everyone We have made heirs in what

the parents and the nearest of relatives have left" & those whose pledges have been made, they are also eligible for a share in the property. This is a clear direction towards humanity that has to ponder over]

According to Hadith Sahih Muslim Book 11 in Kitab al-fara'id (The book about the rules of inheritance, Translated by Abdul Hamid Siddiqui)

"Inheritance is the entry of living persons into possession of dead person property and exists in some form wherever the institution of private property is recognised as the basis of the social and economic system. The actual forms of inheritance and the laws governing them, however, differ according to the ideals of different societies.

The law of inheritance in Islam is based upon five main considerations:

1. To break up the concentration of wealth among individuals and spread it out in society.

2. To respect the property right of ownership of an individual earned through honest means.

3. To hammer in the consciousness of man the fact that man is not the absolute master of wealth he produces but he is its trustee and is not, therefore, authorised to pass it on to others as he likes.

4. To consolidate the family system which is the social unit of an Islamic society.

5. To give the incentive to work and encourage economic activity as sanctioned by Islam.

In the pre-Islamic world and even in modern societies the law of inheritance has so many evils in it, which may be summed up in the following points:

1. Women had been completely denied the share of the inheritance. They were rather regarded as part of the property of the deceased and, therefore, their right to property by inheritance was out of the question.

2. In pre-Islamic Arabia and other countries where there had been tribal societies not only women were deprived of the right of inheritance but even weak and sick persons and minor children were given no share in it, as the common principle of inheritance was that he alone is entitled to inherit who wields the sword.

3. Then in certain societies, there had been existing the law of primogeniture and it exists even today in some of the so-called civilised parts of the world entitles only the eldest son to inherit the whole of the father's property or to get the lion's share.

Islam introduced so many reforms in the laws of inheritance which can be succinctly summed up as follows.

1. It defined and determined in clear-cut terms the share of each inheritor and imposed limits on the right of the property owner to dispose of his property according to his whim and caprice.

2. It made the female, who had been previously thought a chattel, the co-sharer with the male and thus not only restored her dignity but safeguarded her social and economic rights.

3. It laid the rules for the break-up of the concentrated wealth in society and helped in its proper and equitable distribution amongst a large number of persons.

4. It gave a death blow to the law of primogeniture and thus provided the democratic basis for the division of the property of the deceased.

The above are some of the distinguishing features of the Islamic law of inheritance. While laying down the rules for the distribution of the estate of the deceased, the first principle to be observed is that the property both movable and immovable can be distributed after meeting the following obligations:

1. funeral expenses;

2. clearing off the debts incurred by the deceased;

3. the payment of bequest, if any, to the extent of one-third of the total assets. It may be remembered that the Mahr of the wife if it had not been paid, is included in the debt. Moreover, it is not lawful to make a bequest in favour of a person who is entitled to a share in the inheritance.

Four persons cannot get an inheritance:
(a) a fugitive slave who has fled away from his master,

(b) one who has murdered one's predecessor intentionally or unintentionally

(c) one who professes a religion other than Islam,

(d) one living in Dar-ul-Harb cannot inherit the property of one living in Dar-ul-Islam and vice versa. [However, to me it is doubtful whether Darul -Islam exists now anywhere, as the whole of the earth seems to be involved in war-like situations some manifest some hidden, some by weapons and somewhere by religious & political hatred]

According to Islam, the heirs have been divided into three classes.

(A) Dhaw-u'l-Fara'id are those persons who have a right to definite shares in assets left by the deceased. These sharers are twelve in number; four males: father, grandfather, uterine brothers, and the husband; and eight females: wife, single daughter, son's daughter, mother, grandmother, full sister, consanguine sister, and uterine sister.

1. Father's share is one-sixth when the deceased leaves a son or a son's son, but if the deceased is not survived by a son or grandson his father will, in addition to this share (one-sixth), also get a share of being 'Asaba.

2. The grandfather's share is like that of the father's share but with three conditions:

3. According to Imam Bukhari and Imam Muslim, the presence of the father deprives even the brothers of their share in the inheritance, but this is not the case with the grandfather. Imam Abu Hanifa believes that

the presence of the grandfather deprives the brother of his share in the inheritance.

2. If the father of the deceased is alive, then the share of the mother is what is left from the share of the wife of the deceased. The presence of the grandfather does not reduce the share of the mother of the deceased.

3. The grandmother of the deceased has no share in the presence of the father of the deceased but she has a share in the presence of the grandfather.

3. The third set of sharers are uterine brothers and sisters. They are entitled to one-sixth if their number is one, and one-third if they are more than one.

4. The husband's share is one-half of the property of the deceased wife if she has no children, but in the case of children, it is one-fourth.

5. The wife is entitled to one-fourth if the husband dies childless; otherwise, it is one-eighth.

6. Real daughter: one-half when alone, and two-thirds if more than one. If the deceased is survived by a male child also. the daughters are then treated as Asaba and the male child would get double what falls to a lot of daughters. The granddaughters stand on the same level as their daughters. But in case the deceased is survived by one real daughter and one or more than one granddaughter they would get one-sixth. The granddaughter is not entitled to any share if the deceased is survived by a son, but if he is survived by grandsons and granddaughters, they would be treated as 'Asaba and the male grandchild would get double of what goes to the female grandchild.

7. Full sister gets one-half if she is alone, and two-thirds if they are more than one.

8. Consanguine sister is entitled to one-half if one, and two-thirds if more.

9. Mother is entitled to one-sixth when she has a child or grandchild, and in case of being childless she gets one-third of the share.

10. If the deceased is survived either by paternal grandmother or maternal grand- mother or even by both, they are entitled to one-sixth. The grandmother (maternal) is deprived of her share if the mother of the deceased is alive, and if the father is alive the paternal grandmother is deprived of this share.

(B) When the heirs of the first group have received the respective shares, the residue of the assets falls to the share of those relatives who are called Asaba which, according to the Shari'ah, implies those relatives in whose line of relationship no female enters. This is the second group of inheritors.

There is no fixed share of 'Asabat. If the deceased is not survived by any Dhaw-u'l-Fara'id, the whole of the property falls to their share; and If Dhaw-u'll. Fara'id is there to get their due share, the residue will be taken by the Asabat. The following are the 'Asabat:

1. Son: He is the first to get the residue in order of succession. The daughters are entitled to half of the share as given to the son. The grandsons are not entitled to any share in the presence of the son. If the son is not living, then the grandson is entitled to a share in the inheritance. If there is more than one son, the inheritance will be distributed equally amongst them.

2. The father, grandfather and great-grandfather

are included in the category of Dhaw-u'l-Fara'id. If, however, the deceased is not survived by the category of a son, grandson, or great-grandson, then the father will fall under the category of 'Asaba, and, in the absence of the father, the grandfather assumes that position.

3. If the deceased is not survived by a son, grandson or father or grandfather, i.e. none amongst the 'Asabat, then the brother, and in the absence of brother his son, and the absence of a son, his grandson will be entitled to share in the inheritance as 'Asaba and the female would also join them in share claiming half of the share as compared with male.

4. If unfortunately, the deceased is survived by none of the above-mentioned relatives amongst the 'Asabat, then the consanguine brother will be entitled to share in the inheritance and he will be referred to the full brother's son.

5. Then comes the turn of the full paternal uncle.

(C) The last category of inheritors is known as ad Dhaw-u'll Arham, i.e. relations connected through females, but it is in extremely rare cases that they get any share in the inheritance. The following relatives come under this category.

1. The son of the daughter and daughter of the daughter.

2. The son of the daughter of the son, and the daughter of the daughter of the son and their children.

3. Maternal grandfather, maternal grandfather of the father, the grandfather of the mother, maternal grandfather of the mother, the grandmother of the mother, the children of the sisters, the sisters of the father and those of the mother, etc.

Chapter 1: GIVE THE INHERITANCE TO THOSE ENTITLED TO IT

Book 11, Number 3928: Usama b. Zaid reported Allah's Messenger (may peace be upon him) as saying: A Muslim is not entitled to inherit from a non-Muslim, and a non-Muslim is not entitled to inherit from a Muslim.

Book 11, Number 3929: Ibn Abbas (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: Give the shares to those who are entitled to them, and what remains over goes to the nearest male heir.

Book 11, Number 3930: Ibn 'Abbas (Allah be pleased with them) reported Allah's Messenger (may peace be upon him) as saying: Give the shares to those who are entitled to them, and what is left from those who are entitled to it goes to the nearest male heir.

Book 11, Number 3931: Tawus reported on the authority of his father Ibn Abbas (Allah be pleased with them) narrating that Allah's Messenger (may peace be upon him) said: Distribute the property amongst Ahl al-Fara'id, according to the Book of Allah, and what is left out of them goes to the nearest male heir.

Chapter 2: THE LAW OF INHERITANCE CONCERNING AL-KALALA (THE PERSON WHO DIES LEAVING NO CHILD OR PARENT)

Book 11, Number 3932: Jabir b. 'Abdullah (Allah be pleased with them) reported: I fell sick and there came to me on foot Allah's Messenger (may peace be upon him) and Abu Bakr for inquiring after my health. I fainted. He (the Holy Prophet (ﷺ) performed ablution and then sprinkled over me the water of his ablution. I felt some relief and said: Allah's Messenger, how should I decide about my property? He said nothing to me in response until this verse about the law of inheritance was revealed: "They ask you for a decision; say: Allah gives you a decision concerning the person who has neither parents nor children" (iv. 177).

Book 11, Number 3933: Jabir b. 'Abdullah (Allah be pleased with him) reported: Allah's Apostle (may peace be upon him) and Abi Bakr (Allah be pleased with him) visited me on foot in Banu Salama, and found me unconscious. He (the Holy Prophet (ﷺ) called for water and performed ablution and sprinkled it (the water) over me. I felt relieved. I said: Allah's Messenger, what should I do with my property? And this verse was revealed: "Allah enjoins you concerning your children: for the male is equal of the portion of two females."

Book 11, Number 3934: Jabir b. 'Abdullah (Allah be pleased with them) reported: While I had been ill Allah's Messenger (may peace be upon him) visited me and Abu Bakr (Allah be pleased with him) was with him, and they both came walking on foot. He (the Holy Prophet (ﷺ) found me unconscious. Allah's Messenger (may peace be upon him) performed ablution and then sprinkled over me the water of his ablution. I felt relieved and

regained my consciousness) and found Allah's Messenger (may peace be upon him) there. I said: Allah's Messenger, what should I do with my property? He gave me no reply until the verse (iv. 177) relating to the law of inheritance was revealed.

Book 11, Number 3935: Jabir b. Abdullah (Allah be pleased with him) reported: While I was ill Allah's Messenger (may peace be upon him) came to me and found me unconscious. He (the Holy Prophet (ﷺ) performed ablution and sprinkled over me the water of his ablution. I regained my consciousness and said: Allah's Messenger, my case of inheritance is that of Kalala. Then the verse about the inheritance (of Kalala) was revealed. I (one of the narrators) said: I said to Muhammad b. Munkadir: (Do you mean this verse) "They ask you; say: Allah gives you a decision concerning Kalala" (iv. 177)? He said: Yes, it was thus revealed.

Book 11, Number 3936: This hadith is transmitted on the authority of Shu'ba but with a slight variation of words.

Book 11, Number 3937: Abu Talha reported: 'Umar b. al-Khattab (Allah be pleased with him) delivered a sermon on Friday and made a mention of Allah's Apostle (may peace be upon him) and he also made a mention of Abu Bakr (Allah be pleased with him) and then said: I do not leave behind me any problem more difficult than that of Kalala. I did not refer to Allah's Messenger (may peace be upon him) more repeatedly than in the case of the problem of Kalala, and he (the Holy Prophet (ﷺ) never showed more annoyance to me than concerning this problem, so much so that he struck my chest with his fingers and said: 'Umar, does the

verse revealed in the summer season, at the end of Sura al-Nisa not suffice you? Hadrat 'Umar (then) said: If I live I would give such a verdict about (Kalala) that everyone would be able to decide whether he reads the Qur'an or he does not.

Book 11, Number 3938: This hadith has been narrated on the authority of Qatada with the same chain of transmitters.

Chapter 3: THE LAST VERSE REVEALED WAS THAT about KALALA

Book 11, Number 3939: Al-Bara' (Allah be pleased with him) reported that the last verse revealed in the Holy Qur'an is: "They ask thee for a religious verdict; say: Allah gives you a religious verdict about Kalala (the person who has neither parents nor children)"(iv 177).

Book 11, Number 3940: Abu Ishaq said that he heard al-Bara' b. 'Azib (Allah be pleased with him say: The last verse revealed (in the Holy Quran) is that about Kalala, and the last sura revealed in Sura al-Bara'at.

Book 11, Number 3941: Abu Ishaq said that he heard al-Bara' b. 'Azib (Allah be pleased with him) say: The last complete sura revealed (in the Holy Qur'an) is Sura Tauba (i e. al-Bara'at, ix.), and the last verse revealed is that about Kalala.

Book 11, Number 3942: Aba Ishaq reported this hadith on the authority of al-Bara' (Allah be pleased with him) with a slight variation of words, viz. the last sura that was revealed completely.

Book 11, Number 3943: Al-Bara' (Allah be pleased with him) reported that the last verse revealed was: "They ask of thee religious verdict. . " (iv. 177).

Chapter 4: HE WHO LEAVES BEHIND PROPERTY, THAT IS FOR THE HEIRS

Book 11, Number 3944: Abu Huraira (Allah be pleased with him) reported that when the body of a dead person having a burden of debt upon him was brought to Allah's Messenger (may peace be upon him)
he would ask whether he had left property enough to clear off his debt and if the property left had been sufficient for that (purpose), he

observed funeral prayer for him, otherwise, he said (to his companions): You observe prayer for your companion. But when Allah opened the gateways of victory for him, he said: I am nearer to the believers than themselves, so if anyone dies leaving a debt, its payment is my responsibility, and if anyone leaves a property, it goes to his heirs.

Book 11, Number 3945: This hadith has been narrated on the authority of al-Zuhri through another chain of transmitters.

Book 11, Number 3946: Abu Huraira (Allah be pleased with him) reported Allah's Apostle (may peace be upon him) having said this: By Him in Whose Hand is the life of Muhammad, there is no believer on the earth with whom I am not the nearest among all the people. He who amongst you (dies) and leaves a debt, I am there to pay it, and he who amongst you (dies) leaving behind children I am there to look after them. And he who amongst You leaves behind the property, that is for the inheritor whoever he is.

Book 11, Number 3947: Hammam b. Munabbih reported: This is what Abu Huraira (Allah be pleased with him) narrated to us from Allah's

Messenger (may peace be upon him). And he narrated many ahadith, and one was this: Allali's Messenger (may peace be upon him said: I am,

according to the Book of Allah, the Exalted and Majestic, nearest to the believers of all the human beings. So whoever amongst you dies in debt or leaves behind destitute children, you should call me (for help)), for I am his guardian. And who amongst you leaves the property, his inheritor is entitled to get it, whoever he is.

Book 11, Number 3948: Abu Huraira (Allah be pleased with him) reported Allah's Apostle (may peace be upon him) as saying: He who leaves the property, that is for the inheritors; and he who leaves behind destitute children, then it is my responsibility (to look after them). This hadith has been narrated on the authority of Shu'ba with the same chain of transmitters.

ACCORDING TO THE RULINGS BY DAR-AL-IFTA AL MISSRIYYAH (EGYPT) [I COLLECTED THIS AS I THINK THIS IS THE MOST APPROPRIATE RULING OF INHERITANCE I HAVE READ]

The difference in inheritance is not based on the gender of the heir, but on three primary conditions:

1. **The degree of kinship to the deceased:** Regardless of whether the heir is male or female, the closer the relationship to the deceased, the more an individual will inherit. For example, a deceased woman's daughter is entitled to half the inheritance while the husband of the deceased only receives one-fourth. This is because the daughter, as an immediate blood relative, is closer in relation than the husband. Therefore the amount of inheritance she receives is greater.

2. **The generation to which the heir belongs:**

   Grandchildren usually receive more inheritance than grandparents because they will confront future financial responsibilities, whereas others usually maintain the financial upkeep of grandparents. The system functions this way regardless of gender: although they are both women, the daughter of the deceased inherits more than the deceased's mother because they belong to different generations. Likewise, the daughter of the deceased inherits more than the deceased's father. This is so even if she has a living brother who inherits with her.

3. **Financial Responsibility:** It is in this category alone that shares of inheritance differ according to gender. However, this disparity causes no injustice to the female. When a group of inheritors, such as the children of the deceased, are equal in the first two aforementioned factors, then their shares are affected by the third. In this specific scenario, the misunderstood Quranic verses alluded to in the original question come into play. The Quran has not made the disparity between men and women a general condition but rather has confined it to this specific situation. When the individuals in a group of heirs are equal in both their relationship to the deceased and their age, the male son of the deceased receives twice as much as the female daughter of the deceased.